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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:

13 USA Commercial Mortgage Company,

14 Debtors.

15 Case No. BK-S-06-10725-LBR

16 CHAPTER 11

17 **Stipulation to Sustain Fourth Omnibus
18 Objection to Proofs of Claim Based
19 Entirely Upon Investment in the Fiesta
20 Oak Valley Loan as to the Stoebling
21 Family Trust Proof of Claim**

22 USACM Liquidating Trust (the “USACM Trust”), by and through its counsel,
23 Lewis and Roca LLP, and the Stoebling Family Trust, by and through David Stoebling,
24 Attorney for the Stoebling Family Trust, (“Stoebling”), file this stipulated motion seeking
25 to settle proof of claim No. 10725-00945 (the “Stoebling claim”) against the estate of USA
26 Commercial Mortgage Company (“USACM”).

27 The USACM Trust and Stoebling stipulate:

28 1. Stoebling filed proof of claim No. 10725-00945 based upon a \$50,000
29 investment in the Fiesta Oak Valley Loan.

30 2. The Stoebling claim was initially double counted, and the double counted
31 portion of the claim was disallowed by Order of this Court [DE 7706]. The unresolved
32 claim amount is \$50,000.

33 3. On September 15, 2011, the USCAM Trust filed it Fourth Omnibus
34 Objection to Proofs of Claim Based Entirely Upon Investment in the Fiesta Oak Valley
35 Loan [DE 9072] (the “Objection”). The Objection sought to disallow 80% of the Fiesta
36 Oak Valley Claims, including the Stoebling Claim, and allow the remaining 20% of those
37 claims.



4. Stoebling filed an Opposition to Objection [DE 9265].

5. After further discussions, Stoebling has decided to withdraw the Opposition.

Accordingly, the Court should sustain the Objection as it relates to the Stoebling Claim and the Stoebling Claim should be 20% allowed (\$10,000) and 80% disallowed (\$40,000).

6. Based upon the allowed non-priority unsecured claim in the amount of \$10,000, the Trust will make an immediate 4.92% distribution (\$492.00) to Stoebling as the *pro rata* share of the funds reserved by the Trust from the initial creditor distribution. All other funds reserved for the Stoebling Claim will be released from the Disputed Claims Reserve and made available to the Trust for whatever purpose is appropriate in the administration of the Trust.

7. Stoebling will share in future distributions pro rata based upon the allowed claim of \$10,000; and

8. This order will supersede any previous orders by this Court that might be deemed to conflict with this order.

The Trustee and Stoebling respectfully request that the Court approve this stipulation. A proposed form of order is supplied for the Court's consideration.

DATED: January 30, 2012.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

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1 **AGREED, AND APPROVED AS**
2 **TO FORM AND CONTENT**

3 /s/ David Stoebling

4 David Stoebling
5 Law Office of David Stoebling
3568 East Russell Road., Suite D
Las Vegas, NV 89120
Attorney for the Stoebling Family Trust

A handwritten signature in black ink that reads "David Stoebling". The signature is written in a cursive style with a long, sweeping line extending from the 'D' to the end of the name.

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